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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 AMAZON.COM, INC., et al.,

11 Plaintiffs,

12 v.

13 CHUN WONG, et al.,

14 Defendants.

CASE NO. C19-0990JLR

ORDER TO SHOW CAUSE

15 The Federal Rules of Civil Procedure provide the court with various tools “to  
16 prevent undue delays in the disposition of pending cases and to avoid congestion in the  
17 calendars of the District Courts.” *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30 (1962)  
18 (citing Fed. R. Civ. P. 41(b)). Specifically, as the court has previously reminded  
19 Plaintiffs Amazon.com, Inc. and Nite Ize, Inc. (collectively, “Plaintiffs”), Federal Rule of  
20 Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and a copy  
21 of the complaint and sets forth the specific requirements for doing so. (*See* OSC (Dkt.  
22 # 8) at 1-2 (quoting Fed. R. Civ. P. 4. Rule 4(m)).) And Federal Rule of Civil Procedure

1 41(b) allows the court, on its own motion, to dismiss a plaintiff's action with prejudice  
2 for failure to comply with the Rules or for want of prosecution. *See* Fed. R. Civ. P.  
3 41(b); *see also Link*, 370 U.S. at 629 ("The authority of a federal trial court to dismiss a  
4 plaintiff's action with prejudice because of his failure to prosecute cannot seriously be  
5 doubted.").

6 Plaintiffs filed this action more than two years ago and named as Defendants Chun  
7 Wong, Adam Jones, Jacky Likens, Shenzhen Haiming Limited, Hu Nan Yun Dong  
8 Limited, James Lee, Steve Max, Zack Grey, Jeffrey Hall, Derek Wilson, and Jacob Smith  
9 (collectively, "Defendants"). (Compl. (Dkt. # 1) ¶¶ 10-20.) After Plaintiffs failed to  
10 serve Defendants within the time allowed by Federal Rule of Civil Procedure 4, the court  
11 ordered Plaintiffs to show cause why the case should not be dismissed for failure to  
12 comply with that rule. (OSC at 2.) Plaintiffs responded and advised the court of their  
13 difficulties serving Defendants, requested additional time to complete service, and  
14 indicated that they would seek authorization to serve Defendants by e-mail. (OSC Resp.  
15 (Dkt. # 9) at 1-4.) Plaintiffs further represented that, with respect to Shenzhen Haiming  
16 Limited and Hu Nan Yun Dong Limited, they requested service through the Hong Kong  
17 government on July 15, 2019 and expected a response later that year. (OSC Resp. at 2;  
18 Alt. Service Mot. (Dkt. # 11) at 4 n.1.)

19 With leave of the court, Plaintiffs served the nine individuals named in the  
20 complaint by e-mail. (*See* 11/12/19 Order (Dkt. # 14) (permitting service by e-mail);  
21 11/25/19 Affidavit of Service (Dkt. # 15) (indicating that Messrs. Grey, Hall, Jones,  
22 Likens, Max, Smith, Wilson, Wong, and Lee were served with the complaint on

1 November 20, 2019).) Thereafter, Plaintiffs added Mr. Jiang and Mr. Bao as Defendants.  
2 (Am. Compl. (Dkt. # 31) ¶¶ 21-22.) With assistance from the Attorney General of  
3 Canada, Mr. Wong, Mr. Jiang, and Mr. Bao were served with the amended complaint in  
4 April 2021. (*See* 5/17/21 Buono Decl. (Dkt. # 36) ¶ 3 (notifying the court that Mr. Jiang  
5 was served on April 12, 2021); 6/22/21 Buono Decl. (Dkt. # 39) ¶ 3 (notifying the court  
6 that Mr. Wong was served on April 12, 2021); 6/23/21 Buono Decl. (Dkt. # 40) ¶ 3  
7 (notifying the court that Mr. Bao was served on April 6, 2021).) Thus, as of April 12,  
8 2021, Plaintiffs had successfully served all of the individual Defendants. It does not  
9 appear that either Shenzhen Haiming Limited or Hu Nan Yun Dong Limited have been  
10 served yet (*see generally* Dkt.), and it is not clear whether Plaintiffs have taken further  
11 steps to perfect service.

12 To date, however, only Mr. Wong has appeared through counsel and filed an  
13 answer. (*See* Not. (Dkt. # 35); Answer (Dkt. # 41).) Plaintiffs have obtained orders of  
14 default against Messrs. Grey, Hall, Jones, Likens, Max, Smith, Wilson, and Lee (6/4/21  
15 Order (Dkt. # 38)) but have not sought to reduce those orders to judgment (*see generally*  
16 Dkt.). Nor have Defendants moved for an order of default against Mr. Bao and Mr.  
17 Jiang, although neither has appeared or answered the complaint. (*Id.*)

18 Accordingly, the court ORDERS Plaintiffs to SHOW CAUSE within ten (10) days  
19 of the date of this order why this action should not be dismissed, except as to Defendant  
20 Chun Wong, based on Defendants' failure to:

- 21 (1) serve Defendants Shenzhen Haiming Limited and Hu Nan Yun Dong  
22 Limited, as required by Rule 4; and

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2 (2) diligently prosecute the action against Defendants Messrs. Grey, Hall,  
3 Jones, Likens, Max, Smith, Wilson, Lee, Jiang, and Bao.

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5 Dated this 25th day of October, 2021.

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8 JAMES L. ROBART  
9 United States District Court Judge  
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